

**MINUTES  
SPECIAL CITY COUNCIL MEETING  
CITY OF GREY FOREST, TEXAS  
GREY FOREST COMMUNITY CENTER  
18249 SHERWOOD TRAIL  
HELOTES, TX 78023  
February 8, 2022, 6:30 PM**

**I. CALL TO ORDER**

Mayor Charles M. Thornton Jr. called the meeting to order at 6:30 P.M.

**II. ROLL CALL**

Mayor Charles M. Thornton Jr., Mayor Pro Tem Geri Poss, Council Member Jennifer Nottingham, Council Member Sean Skaggs, Council Member Susan Darst, and Council Member Kimberly Verity.

Staff Present: City Attorney Ryan Henry, City Secretary Miguel Cantu, Chief of Police Rene Rodriguez, Administrative Assistant Nichole Heinrich, Deputy Chief Frank Francis, SGT Scott Ristow

**III. PLEDGE OF ALLEGIANCE AND INVOCATION**

The meeting commenced with the Pledge of Allegiance.

**IV. PRESENTATIONS BY CITIZENS AND VISITORS**

Mayor Thornton opened the floor for presentations by citizens and visitors. No presentations.

**V. ANNOUNCEMENTS / REPORTS / MAYOR AND CITY EMPLOYEES**

**a) Mayor Announcements:**

**1) Financials**

Mayor Thornton presented the future financials and November 2021 & December 2021 Check Details.

**b) Council/Staff Announcements:** Mayor Thornton stated Mr. Cantu had received an email from TML regarding the playground and stopped the construction. The information included that if the equipment should be utilized for its intended purpose, the equipment plans must be engineered with an engineering stamp and could potentially leave the city with a lawsuit. Council Member Nottingham asked how we could have come this far along and not notice. This did not provide ample time for review of the information and City Council voted to approve the plans. Additionally, Mayor Thornton stated on more than one occasion people were stepping outside of their lane. He reminded the City Council, city board members, and the public that the Mayor's role is to oversee city personnel and deal with personnel issues. The City Council oversees policies. A committee member is not responsible for directing a city employee. Mayor Thornton asked that no one approach a city staff member and dress them down, he asked they address him. He informed City Council this has happened on several occasions, and he was no longer going to tolerate anyone being belligerent with city staff. Attorney Henry stated that the city's organizational chart would be discussed at the next city council meeting.

**c) Committee Announcements/Reports: None**

**d) Grey Forest Community Board Update:** Ms. Madeline McCloskey thanked the City for the new barbeque pit that was recently placed at the community center.

**e) Senator Frank L. Madla Natural Area Update:** Council Member Nottingham provided the 2021 Senator Frank L. Madla Natural area report to City Council. The report included:

- Much needed road work and some drainage issues remedied
- Usage signs for trails and permits

- Installed new/professional/permanent trail markers
- Aerobic septic system repairs/inspected/licensed
- Professional photographer permits (\$200 for 1 year) raised \$2,500
- Our first online auction raised \$1,000
- Coordinated prescribed burn with ESD #8 and seeded burned prairie on professional recommendation Alamo switch grass
- Multiple monthly volunteer work sessions
- First capital campaign \$3,000
- Multiple rentals for private event (3 weddings, 2 children education classes, and birthday parties)
- Coordinated Vulcan boulder donation and installation with Grey Forest Utilities to control parking
- Contracted with professional tree services to remove multiple trees down
- Main gate repair (new key box and remotes)
- Ongoing required maintenance by a group of volunteers (Grey Forest Citizens and friends)
- Negotiating with an up-and-coming film company for rental for filming a movie

**f) Board of Adjustment Update:** None

**g) Police Department Monthly Report:** Chief Rodriguez reviewed the Police reports from November and December 2021. Additionally, Chief Rodriguez went over the Emergency Management Plan and some updates. Deputy Chief Francis presented a full report and analysis of the Annual Racial Profiling Report 2021 to the City Council.

**h) Public Works Monthly Report:** Mayor Thornton reported the septic system was installed at city hall and was working well. Limestone blocks had been ordered to place around the system so it would not be damaged by a vehicle. Mayor Thornton also announced that a code compliance officer was hired and would be taking the course including taking the exam to be a code compliance officer. The officer would be paid the \$600 provided to Officer Ristow in an hourly rate; additionally, he would work to keep his commission as a Reserve Officer. The Code Compliance Officer would report to the Mayor.

**i) Fire Department Monthly Report:** No representative was available for the report; however, the reporting documents were provided to City Council. City Council requested the City Secretary find out who would be representing the Fire Department and providing future reports since Mr. Don Reddout announced his retirement.

**j) Grey Forest Utilities Update:** Mayor Thornton stated the company Koch responded to CEO of Grey Forest Utilities Jeff English by sending lawsuit documents; however, a lawsuit had not been filed. Koch looks to seek a mediator and will file in Texas and not in New York. Mayor Thornton did emphasize that no one had been served any documents for the lawsuit.

## VI. PUBLIC HEARING

- a) The City of Grey Forest will conduct a public hearing to hear public testimony on the city contracting with the law firm of Linebarger, Goggan, Blair, and Sampson, LLP as special counsel to perform legal services necessary to collect unpaid fines, fees, and court costs as provided in Tx Code of Criminal Procedure Art. 103.0031.**

*Mayor Thornton opened the public hearing at 7:07 p.m.*

Sonia Gonzalez and Madeline "Maddie" Mendieta from the law firm of Linebarger, Goggan, Blair, and Sampson, LLP stated that their firm was present for any questions.

Attorney Ryan Henry stated the item was on the agenda several times because legislature states that a public hearing must be held, a resolution must be passed and then a contract can be signed.

*Mayor Thornton closed the public hearing at 7:09 p.m.*



THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

**VII. CONSENT AGENDA**

- a) **Approval of Minutes: November 23, 2021 Regular Meeting and December 22, 2021 Special Meeting.**

MOTION WAS MADE BY COUNCIL MEMBER SKAGGS TO APPROVE THE MINUTES FOR NOVEMBER 23, 2021 REGULAR MEETING AND DECEMBER 22, 2021 SPECIAL MEETING. COUNCIL MEMBER DARST SECONDED THE MOTION. COUNCIL VOTED 5-0.

**VIII. NEW BUSINESS**

- a) **Discuss and take possible action on recommendation(s) for appointment to the City of Grey Forest Community Board: Tanya Granados.**

Council Member Nottingham stated that she met Mrs. Granados at a Grey Forest 12<sup>th</sup> Night event and was glad to hear her family lived in five different states which will bring some concept as to how the rest of the world works.

MOTION WAS MADE BY COUNCIL MEMBER NOTTINGHAM TO APPOINT TANYA GRANADOS TO THE CITY OF GREY FOREST COMMUNITY BOARD. COUNCIL MEMBER VERITY SECONDED THE MOTION. COUNCIL VOTED 5-0

- b) **Discussion regarding the City of Grey Forest Emergency Management Plan.**

*Mayor Thornton moved this agenda item after Agenda Item J.*

- c) **Discuss and take possible action accepting the City of Grey Forest Financial Audit fiscal year ending September 30, 2021 from Armstrong, Vaughan, & Associates, P.C.**  
Mayor Thornton called on Mr. Phil Vaughn from Armstrong, Vaughan, & Associates, P.C. Mr. Vaughn stated that there were no significant findings in this year's report. He did state that he is providing a half report since the Grey Forest Utilities report was not part of the report. His understanding is that GFU falls under the umbrella of the city; however, they are receiving their own audit. Mr. Vaughn also reported that he was glad to see that the city was continuing to have dual signatures on checks. The city does not have a public investment policy; however, the city does not currently anticipate investing any deposits beyond certificates. He was also pleased to hear that electronic ticket writers were ordered and would be in place soon. He recommended credit card statements be sent and recorded monthly. Additionally, the City's expenditures for the year exceeded the budget in several areas. The budget was not entered into QuickBooks to facilitate monitoring of budget compliance. The city should review budget to actual performance regularly and by law should not be spending money that has not been budgeted. Mr. Vaughn did inform City Council that 2021-2022 budget was in QuickBooks and the matter is now considered resolved. Mr. Vaughn reviewed the overall 2020-2021 Financial Audit with City Council. Of special Note M—Special Item, Mr. Vaughn stated that in prior years, certain cash receipts, deposits and cash advances on credit cards were missing for a total of \$169,169. During the year ending September 20, 2021, the city recovered \$52,894, which is reported as a special item. The City is involved with discussions with bonding agencies, insurance carriers and law enforcement to recover the remaining funds.

MOTION WAS MADE BY MAYOR PRO TEM POSS TO ACCEPT THE CITY OF GREY FOREST FINANCIAL AUDIT FISCAL YEAR ENDING SEPTEMBER 30, 2021 FROM ARMSTRONG, VAUGHAN, & ASSOCIATES, P.C. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.

- d) **Discuss and take possible action on the Written Notice to the public pursuant to Texas Government Code Section 2254.1036, for the Contract for legal services with Linebarger, Goggan, Blair, & Sampson, LLP to collect Delinquent Court Fines and**



**Fees.**

Sonia Gonzalez from the law firm of Linebarger, Goggan, Blair, and Sampson, LLP stated that the law firm only focuses on the collection of government receivables, specifically, court fees and fines as well as delinquent property taxes. Ms. Gonzalez informed City Council that collection process would add an additional 30% to the defendant and there would be no additional fees to the City of Grey Forest.

MOTION WAS MADE BY COUNCIL MEMBER VERITY ON THE WRITTEN NOTICE TO THE PUBLIC PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2254.1036, FOR THE CONTRACT FOR LEGAL SERVICES WITH LINEBARGER, GOGGAN, BLAIR, & SAMPSON, LLP TO COLLECT DELINQUENT COURT FINES AND FEES. COUNCIL MEMBER SKAGGS SECONDED THE MOTION. COUNCIL VOTED 5-0.

- e) **Discuss and take possible action on Resolution No. 2022-18R, a resolution by the City Council of the City of Grey Forest, Texas authorizing the City to enter into a collection contract with Linebarger, Goggan, Blair, & Sampson, LLP for delinquent court fees and fines by authorizing a collections fee in the amount of thirty percent (30%) of the total amount of such fines and fees to defray costs of collecting such delinquent fines and fees more than 60 days past due as ordered by the Municipal Court serving the City of Grey Forest pursuant to Article 103.0031 of the Texas Code of Criminal Procedure for a term of one year and may automatically renew for an additional one-year term.**

MOTION WAS MADE BY COUNCIL MEMBER VERITY TO APPROVE RESOLUTION NO 2022-18R, A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS AUTHORIZING THE CITY TO ENTER INTO A COLLECTION CONTRACT WITH LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP FOR DELINQUENT COURT FEES AND FINES BY AUTHORIZING A COLLECTIONS FEE IN THE AMOUNT OF THIRTY PERCENT (30%) OF THE TOTAL AMOUNT OF SUCH FINES AND FEES TO DEFRAY COSTS OF COLLECTIONG SUCH DELINQUENT FINES AND FEES MORE THAN 60 DAYS PAST DUE AS ORDERED BY THE MUNICIPAL COURT SERVING THE CITY OF GREY FOREST PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE FOR A TERM OF ONE YEAR AND MAY AUTOMATICALLY RENEW FOR AN ADDITIONAL ONE-YEAR TERM. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.

- f) **Discuss and take possible action on Resolution No. 2022-19R, a resolution of the City of Grey Forest authorizing the submission of an application for funding from the Fiscal Year 2022 allocation of Bexar County's Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Programs for up to \$21,600 for a Community Center Handicap Accessible Ramp and hereby approve the use of local funds in the amount of \$2,000 as a match contribution for the activities listed in the application.**

Mayor Thornton stated that the resolution allowed the City of Grey Forest to apply for CDBG Grant funds that would allow the City of Grey Forest to build an ADA compliant aluminum handicap ramp to the City of Grey Forest Community Center. Mayor Thornton first looked to see if the city could apply for a grant for the playground; however, because of the grant restrictions the city might not qualify for the grant. Mr. Cantu did remind City Council that the city would have a \$2,000 cash match to the grant.

MOTION WAS MADE BY MAYOR PRO TEM POSS TO APPROVE RESOLUTION 2022-19R, A RESOLUTION OF THE CITY OF GREY FOREST AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE FISCAL YEAR 2022 ALLOCATION OF BEXAR COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANY (ESG) PROGRAMS FOR UP TO \$21,600 FOR A COMMUNITY CENTER HANDICAP ACCESSIBLE RAMP AND HEREBY APPROVE THE



USE OF LOCAL FUNDS IN THE AMOUNT OF \$2,000 AS A MATCH CONTRIBUTION FOR THE ACTIVITIES LISTED IN THE APPLICATION. COUNCIL MEMBER VERITY SECONDED THE MOTION. COUNCIL VOTED 5-0.

- g) **Discuss and take possible action on Ordinance No. 2022-02-13, an Ordinance of the City of Grey Forest, Texas amending the City Code of Ordinances Chapter 3 Building Regulations, Article 3.01.003 Fences Generally, Subsection (C) Maximum Height to remove the six (6) feet default maximum height requirement of fences within the City and stating that maximum height shall be within the Building Official's discretion based on security stability and compliance with other provisions of the Building Code; providing a cumulative clause, a severability clause, and an effective date.**

*Mayor Thornton moved this agenda item after Agenda Item J.*

- h) **Discuss and take possible action allowing the Mayor to enter into a Joint Election Agreement with Bexar County Elections Administrator, acting on behalf of Bexar County, to conduct the General Election and Special Election to be held on May 7, 2022 for the City of Grey Forest.**

MOTION WAS MADE BY COUNCIL MEMBER VERITY ALLOWING THE MAYOR TO ENTER INTO A JOINT ELECTION AGREEMENT WITH BEXAR COUNTY ELECTIONS ADMINISTRATOR, ACTING ON BEHALF OF BEXAR COUNTY, TO CONDUCT THE GENERAL ELECTION AND SPECIAL ELECTION TO BE HELD ON MAY 7, 2022 FOR THE CITY OF GREY FOREST. MAYOR PRO TEM POSS SECONDED THE MOTION. COUNCIL VOTED 5-0.

- i) **Discuss and take possible action on Ordinance No. 2022-02-14, an ordinance ordering a General Election in the City of Grey Forest, Texas, to be held on May 7, 2022 for the election of Mayor and two Council Members for Place Two (2) and Place Four (4), the term of such offices to be for two (2) years, terminating when their successors are elected and qualified; and establishing procedures for said General Election.**

MOTION MADE BY MAYOR PRO TEM POSS TO APPROVE ORDINANCE NO. 2022-02-14, AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF GREY FOREST, TEXAS, TO BE HELD ON MAY 7, 2022 FOR THE ELECTION OF MAYOR AND TWO COUNCIL MEMBERS FOR PLACE TWO (2) AND PLACE FOUR (4), THE TERM OF SUCH OFFICES TO BE FOR TWO (2) YEARS, TERMINATING WHEN THEIR SUCCESSORS ARE ELECTED AND QUALIFIED; AND ESTABLISHING PROCEDURES FOR SAID ELECTION. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.

- j) **Discuss and take possible action on Ordinance No. 2022-02-15, an ordinance by the City Council of the City of Grey Forest, Texas calling a Special Election to be held in the City of Grey Forest, Texas on May 7, 2022 to submit a proposition on the question of reauthorization of a Local Sales and Use Tax under the provisions of the Texas Tax Code to continue providing revenue to maintain and repair municipal streets; making provisions for the conduct of such election and resolving other matters related to the conduct of such election; and providing an effective date.**

MOTION MADE BY COUNCIL MEMBER DARST TO APPROVE ORDINANCE NO. 2022-02-15, AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF GREY FOREST, TEXAS ON MAY 7, 2022 TO SUBMIT A PROPOSITION ON THE QUESTION OF REAUTHORIZATION OF A LOCAL SALES AND USE TAX UNDER THE PROVISIONS OF THE TEXAS TAX CODE TO CONTINUE PROVIDING REVENUE TO MAINTAIN AND REPAIR MUNICIPAL STREETS; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE. COUNCIL MEMBER NOTTINGHAM SECONDED THE MOTION. COUNCIL VOTED 5-0.



- h) **Discuss and take possible action on Ordinance No. 2022-02-13, an Ordinance of the City of Grey Forest, Texas amending the City Code of Ordinances Chapter 3 Building Regulations, Article 3.01.003 Fences Generally, Subsection (C) Maximum Height to remove the six (6) feet default maximum height requirement of fences within the City and stating that maximum height shall be within the Building Official's discretion based on security stability and compliance with other provisions of the Building Code; providing a cumulative clause, a severability clause, and an effective date.**

Mayor Thornton stated that he wanted to revisit this ordinance because he thought that City Council had changed the fence height and had voted to remove the height completely. Council Member Verity stated that anyone can see through her fence, through to her yard, and into her house. Her concern was that if an ordinance is created to allow a ten-foot fence, how is the city going to be able to enforce its ordinances. Council Member Nottingham stated that her concern was building tall fences where you cannot see another coming until a resident has pull out way past into the intersection. Council Member Verity stated that she felt that the height of a fence would cause a safety concern and would change the aesthetics of the neighborhood. After discussion Mayor Thornton stated that the ordinance would remain the same and if a resident wanted to build a taller fence they could go to the Board of Adjustments for a variance. Council Member Nottingham requested more information on line of sight.

#### **DISCUSSION ONLY**

- b) **Discussion regarding the City of Grey Forest Emergency Management Plan.**

Mayor Pro Tem Poss asked Chief Rodriguez what the process was in an emergency for those that have special needs; additionally, she inquired about any mock runs or ideas that may be planned. Chief Rodriguez stated that during the freeze last week they had contacted individuals in person for two days in a row. Mayor Pro Tem Poss thought only a phone call was made. Mayor Pro Tem Poss asked how they were going to transport anyone in a wheelchair, how would they be transferred? Chief Rodriguez stated that each case would be handled as needed and request EMS service to handle the situation who would be better suited. Currently, the Police Department informs the community through a city phone text message. Council Member Nottingham asked how communication would be established. Chief Rodriguez explained the current phone communication and Mayor Thornton added that the new website would provide for the ability for a new resident to sign up for notifications through email or text. Mayor Pro Tem Poss stated that there were several residents with generators now and it would be nice if the Police Department would see if they could identify those who did have one. Chief Rodriguez stated he would work on adding it to the emergency contact list information.

#### **IX. UNFINISHED BUSINESS**

- a) **Discussion regarding pending City Council topics:**

- 1) **Roadway Easement/Right of Way:** Council Member Darst requested the item be removed. She added that she would bring the agenda item when she was ready.
- 2) **Website:** Mayor Thornton informed City Council the website should be up and running by March or April.
- 3) **Road Repair:** None
- 4) **Mailbox area cover design:** Council Member Verity stated that she had some designs created. Mayor Thornton requested the item be brought to the March City Council Meeting.

#### **X. EXECUTIVE SESSION**

The City Council of the City of Grey Forest convened in Executive Session at 8:35 P.M. in

accordance with the Texas Open Meetings Act Sections 551.071 (consultation with legal counsel).

- a) City Council will receive an update from the City Attorney regarding the status of the Scharf v. City of Grey Forest litigation pursuant to Texas Government Code Section 551.071 (consultation with legal counsel).
- b) City Council will receive an update from the City Attorney regarding the status of former City Secretary Shannon Kinsley pursuant to Texas Government Code Section 551.071 (consultation with legal counsel).

The City Council of the City of Grey Forest reconvened in Open Session at 9:01 P.M. in accordance with the Texas Open Meetings Act, Section 551.071 (consultation with legal counsel).

**NO ACTION TAKEN.**

**XI. GENERAL ANNOUNCEMENTS & FUTURE AGENDA ITEMS REQUESTED**

- a) None

**XII. ADJOURNMENT**

MOTION WAS MADE BY MAYOR PRO TEM POSS TO ADJOURN AT 9:01 P.M. COUNCIL MEMBER DARST SECONDED THE MOTION. COUNCIL VOTED 5-0.

**PASSED AND APPROVED THIS 22<sup>ND</sup> DAY OF MARCH, 2022.**

**APPROVED:**

  
Charles Mitchell Thornton, Jr.  
Mayor

**ATTEST:**

  
Miguel Cantu, TRMC  
City Secretary



